

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEWEY DEAN MILLER,

Defendant.

8:11CR251

ORDER

Defendant Dewey Dean Miller appeared before the court on October 1, 2018 on a Petition for Offender Under Supervision [222]. The defendant was represented by CJA appointed attorney Jason W. Grams, and the United States was represented by Assistant U.S. Attorney John E. Higgins.

Through his counsel, the defendant waived his right to a probable cause hearing on the Petition for Offender Under Supervision [222] pursuant to Fed. R. Crim. P. 32.1(b)(1). I find that the Petition alleges probable cause and that the defendant should be held to answer for a final dispositional hearing before Chief Judge Smith Camp. The government moved for detention and the detention hearing was continued to October 4, 2018.

On October 3, 2018, the defendant filed a Withdrawal of Objection to the Government's Motion for Detention Pending a Dispositional Hearing, thereby waiving a detention hearing. Since it is the defendant's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger, the court finds the defendant has failed to carry his burden and that he should be detained pending a dispositional hearing before Chief Judge Smith Camp.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on November 29, 2018 at 1:30 p.m. The defendant must be present in person.

2 The defendant, Dewey Dean Miller, is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated this 4th day of October, 2018.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge